



**2023/2085(INI)**

30.11.2023

# **OPINION**

of the Committee on Civil Liberties, Justice and Home Affairs

for the Committee on Constitutional Affairs

on the implementation of the Treaty provisions on EU citizenship  
(2023/2085(INI))

Rapporteur for opinion: Beata Kempa

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## SUGGESTIONS

The Committee on Civil Liberties, Justice and Home Affairs calls on the Committee on Constitutional Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Notes that around 50 million people belong to a national or linguistic minority in the EU; notes that the Commission has taken no legislative steps in response to the European Citizen's Initiative 'Minority SafePack – one million signatures for diversity in Europe', despite the fact that it was supported by a large majority of MEPs;
2. Notes that the right to freedom of movement and its exercise is central to EU citizenship; notes that the creation of the Schengen area is one of the greatest achievements of the European integration process and greatly enhances the freedom of movement within the EU; notes that, in its conclusions of 9 June 2011, the Council confirmed the successful conclusion of the evaluation process and the technical readiness of Bulgaria and Romania to accede to the Schengen area;
3. Recalls that EU citizenship, according to the EU Treaties, is closely linked to and dependent on nationality from a Member State, the granting of which is an exclusive competence of every Member State; points out that there is no other way to obtain EU citizenship than by obtaining the nationality of a Member State;
4. Considers that EU citizenship comprises the shared and common European democratic identity and the specific rights, duties and freedoms attached to it, and that the exercise of those rights strengthens citizens' link with the EU;
5. Recalls that Article 20 of the Treaty on the Functioning of the European Union (TFEU) defines Union citizenship as being based on citizenship from a Member State; underlines the importance of continuing to apply this system, even after future possible Treaty revisions;
6. Calls for the EU to promote the adoption of a European Charter on Digital Rights, including digital citizenship rights, building on the European Declaration on Digital Rights and Principles for the Digital Decade;
7. Calls on the Commission to adopt a new communication clarifying certain key concepts contained in Directive 2004/38/EC<sup>1</sup> on the right of EU citizens and their families to move and reside freely within the EU in order to provide the Member States with up-to-date guidelines that could contribute to improving the directive's implementation at national level, thus benefiting EU citizens and their family members;
8. Calls on the Commission to present, without further delay, a proposal to update and improve the Consular Protection Directive<sup>2</sup>, including by giving EU delegations a more

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<sup>1</sup> Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77).

<sup>2</sup> Council Directive (EU) 2015/637 of 20 April 2015 on the coordination and cooperation measures to facilitate

active role in assisting unrepresented EU citizens residing or travelling outside the EU;

9. Calls on the Council and the European Council to take necessary action to ensure that countries that fulfil the technical criteria to become members of the Schengen area are permitted to join, thereby allowing all EU citizens to enjoy freedom of movement and enhancing their sense of European identity;
10. Calls on the Commission to actively seek reciprocal visa agreements with non-EU countries and concerned Member States to ensure equal treatment and uphold the principle of visa reciprocity, promoting the mobility and rights of all EU citizens;
11. Calls on the Member States to inform mobile EU citizens, at the moment of registration in their Member State of residence, about their electoral rights and the electoral procedures regarding European and municipal elections, and to offer them the option to immediately register as a voter;
12. Urges the Council to swiftly adopt the revisions of the Council Directive on the electoral rights of mobile Union citizens in European Parliament elections<sup>3</sup> and of the Council Directive on the electoral rights of mobile Union citizens in municipal elections<sup>4</sup>, in line with the position approved by Parliament;
13. Emphasises that the EU institutions should encourage more awareness, knowledge and understanding of the rights and freedoms deriving from their EU citizenship and highlights that there are still substantial shortcomings in the practical application of EU citizenship; considers that in order to better realise the potential of EU citizenship, the EU should take steps to guarantee the protection of the founding values of the EU; recalls that the protection of minorities, including national and linguistic, is a fundamental value of, and at the same time a major task for, the European Union;
14. Calls on the Member States to maximise the participation of all their citizens, including socially vulnerable groups, by strengthening their electoral rights through awareness-raising campaigns, encouraging their participation in public debates and implementing appropriate arrangements tailored to their national voting procedures to facilitate voting by persons who are members of marginalised, minority or vulnerable groups and face difficulties in voting, for instance by giving the option to choose polling stations and use assistive technologies, formats and techniques; calls on the Member States, furthermore, to allow for persons with disabilities, at their request, to receive assistance in voting from a person of their choice and to endeavour to provide an option for postal voting, and possibly further facilitate physical voting, proxy voting and electronic and online voting;
15. Calls on the Member States to adopt measures to keep their electoral processes free

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consular protection for unrepresented citizens of the Union in third countries and repealing Decision 95/553/EC (OJ L 106, 24.4.2015, p. 1).

<sup>3</sup> Commission proposal for a Council directive laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for Union citizens residing in a Member State of which they are not nationals (COM(2021)0732).

<sup>4</sup> Proposal for a Council directive laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in municipal elections by Union citizens residing in a Member State of which they are not nationals (COM(2021)0733).

from extremism, the spread of disinformation and foreign interference;

16. Recalls that the right to participate in democratic life and the obligation to ensure that decisions are taken as openly and as close to citizens as possible are protected under Article 10 of the Treaty on European Union; calls for the EU institutions and the Member States to ensure sufficient time for public consultation and transparency and to publish public documents in a proactive manner;
17. Urges the Council and the Commission to resume negotiations on the revision of Regulation (EC) No 1049/2001<sup>5</sup> with the aim of ensuring that EU citizens are able to fully exercise their right to access documents and scrutinise the EU institutions, bodies, offices and agencies;
18. Calls on the Member States to fully phase out citizenship-by-investment schemes and any other similar national schemes or programmes that lead to the acquisition of their citizenship and involve the direct or indirect sale of EU citizenship, as these are objectionable from an ethical, legal and economic point of view, are inherently incompatible with the principle of sincere cooperation, undermine the very concept of EU citizenship and violate EU principles and values; recalls that these schemes pose several serious security risks for Union citizens, such as those stemming from money-laundering and corruption; considers that the lack of common standards governing schemes granting residence on the basis of a financial investment may also pose security risks and contribute to undermining the integrity of the Union;
19. Denounces the fact that discrimination on a range of grounds persists across the EU; recalls that Article 21 of the EU Charter of Fundamental Rights prohibits discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation; reiterates the need to combat discrimination against persons belonging to vulnerable groups and minorities, and reiterates its call for a comprehensive EU protection system incorporating existing international law instruments and following proven best practices in the EU;
20. Calls for an EU citizenship statute to be drawn up, on the basis of Article 25 TFEU, that compiles and updates existing citizenship rights and establishes new ones; recalls that both the drafting of the EU citizenship statute and the updating of these new rights should be carried out under the Treaties;
21. Calls for a horizontal non-discrimination clause to be included in the EU citizenship statute, as an additional safeguard of equality in the exercise of citizenship rights, with a view to ensuring a uniform level of protection within the Union, on the basis of Article 19 TFEU, for people belonging to vulnerable and marginalised groups;
22. Calls on the Commission to take into account these proposals in the upcoming 2023 EU citizenship report and to take the necessary steps to implement them following the procedure provided for in Article 25 TFEU.

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<sup>5</sup> Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43).



## INFORMATION ON ADOPTION IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	28.11.2023
<b>Result of final vote</b>	+: 48 -: 9 0: 5
<b>Members present for the final vote</b>	Abir Al-Sahlani, Malik Azmani, Pietro Bartolo, Theresa Bielowski, Vladimír Bilčík, Malin Björk, Vasile Blaga, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Annika Bruna, Damien Carême, Clare Daly, Lena Düpont, Lucia Ďuriš Nicholsonová, Cornelia Ernst, Nicolaus Fest, Evin Incir, Sophia in 't Veld, Patryk Jaki, Marina Kaljurand, Assita Kanko, Fabienne Keller, Łukasz Kohut, Moritz Körner, Jeroen Lenaers, Juan Fernando López Aguilar, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Pina Picierno, Birgit Sippel, Tineke Strik, Annalisa Tardino, Yana Toom, Milan Uhrík, Tom Vandendriessche, Elena Yoncheva, Javier Zarzalejos
<b>Substitutes present for the final vote</b>	Daniel Freund, José Gusmão, Rasa Juknevičienė, Beata Kempa, Matjaž Nemeč, Janina Ochojska, Jan-Christoph Oetjen, Kostas Papadakis, Silvia Sardone, Paul Tang, Petar Vitanov, Axel Voss, Tomáš Zdechovský
<b>Substitutes under Rule 209(7) present for the final vote</b>	Mathilde Androuët, Margrete Auken, Traian Băsescu, Tom Berendsen, Jarosław Duda, Rosa Estaràs Ferragut, Pär Holmgren, Andrey Kovatchev, Antonius Manders, Riho Terras

**ANNEX: ENTITIES OR PERSONS  
FROM WHOM THE RAPPOREUR HAS RECEIVED INPUT**

The rapporteur has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

<b>Entity and/or person</b>
The rapporteur declares that she did not receive any input from entities or persons.

The list above is drawn up under the exclusive responsibility of the rapporteur.



## FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

48	+
PPE	Traian Băsescu, Tom Berendsen, Vladimír Bilčík, Vasile Blaga, Karolin Braunsberger-Reinhold, Jarosław Duda, Lena Düpont, Rosa Estaràs Ferragut, Andrey Kovatchev, Jeroen Lenaers, Antonius Manders, Nadine Morano, Janina Ochojska, Axel Voss, Javier Zarzalejos, Tomáš Zdechovský
S&D	Pietro Bartolo, Theresa Bielowski, Evin Incir, Marina Kaljurand, Lukasz Kohut, Juan Fernando López Aguilar, Javier Moreno Sánchez, Matjaž Nemeč, Pina Picierno, Birgit Sippel, Paul Tang, Petar Vitanov, Elena Yoncheva
Renew	Abir Al-Sahlani, Malik Azmani, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Jan-Christoph Oetjen, Maite Pagazaurtundúa, Yana Toom
Verts/ALE	Margrete Auken, Patrick Breyer, Saskia Bricmont, Damien Carême, Daniel Freund, Pär Holmgren, Tineke Strik
ECR	Patryk Jaki, Assita Kanko, Beata Kempa

9	-
PPE	Rasa Juknevičienė, Riho Terras
ID	Mathilde Androuët, Annika Bruna, Nicolaus Fest, Tom Vandendriessche
The Left	Cornelia Ernst
NI	Kostas Papadakis, Milan Uhrík

5	0
ID	Silvia Sardone, Annalisa Tardino
The Left	Malin Björk, Clare Daly, José Gusmão

Key to symbols:

+ : in favour

- : against

0 : abstention